

07-30-2003

To the Honorable Commissioner of Patents and T

cuments or copy thereof.

1. Name of conveying party(ies):

Wachovia Bank, N.A., successor by merger to First Union National Bank of North CarolinaAdditional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☐ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☒ Other: release of Security Interest

Execution Date: June 16, 2003

2. Name and address of receiving party(ies)

Name: **Performance Contracting, Inc.**Street Address: **16047 West 110th Street
Lenexa, KS 66219**Additional name(s) & address(es) attached? ☐ Yes ☒ No

- ☐ Individual(s) citizenship _____
☐ Association _____
☐ General Partnership _____
☐ Limited Partnership _____
☒ Corporation-State Kansas
☐ Other: _____

If assignee is not domiciled in the United States, a domestic representative designation is attached ☐ yes ☐ noAdditional name(s) & address(es) attached? ☐ yes ☒ no

4. Application number(s) or registration number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Trademark application No.(s)

B. Trademark Registration No.(s)

1,299,504; 1,967,852; 1,969,401Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Louis T. Isaf
WOMBLE CARLYLE SANDRIGE & RICE, PLLC
P.O. Box 7037
Atlanta, Georgia 30357-0037
(404) 962-7523
(404) 870-8173 (fax)

6. Total number of applications/trademarks involved: **[3]**

7. Total fee (37 CFR 3.41) **\$90.00**
☒ Enclosed
☐ Authorized to be charged to deposit account

8. Deposit Account Number:
09-0528
(Attach duplicate copy of this page if paying by Deposit Account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

LOUIS T. ISAF

Name of Person Signing

Signature

21 July 2003
Date

Docket No. P004.3005 (40726.0004.1)

Total number of pages including cover sheet, attachments, and document: **[4]**

Mail documents to be recorded with required cover sheet information to:
Mail Stop Assignment Recordation Services, Director of the U.S. Patents & Trademark Office
P.O. Box 1450, Alexandria, VA 22313-1450

**RELEASE OF SECURITY INTERESTS IN
UNITED STATES TRADEMARKS**

This Release of Security Interests ("Release"), dated the 11, day of June, 2003, is entered into by and between Wachovia Bank, N.A., successor by merger to First Union National Bank of North Carolina ("Wachovia"), having its principal place of business at 301 South College Street, Charlotte, North Carolina 28288 and Performance Contracting, Inc., with a principal place of business at 16047 West 110th Street, Lenexa, Kansas 66219.

WHEREAS, Wachovia, by and through its predecessor in title, First Union National Bank of North Carolina, from time to time entered into Assignments of Security Interest with Performance Contracting, Inc., including, without limitation, the following:

Assignment of Security Interest effective as of September 21, 1989 and recorded with the Assignments branch of the United States Patent & Trademark Office (the "PTO") on October 19, 1989, at Reel 681, Frame 604;

Assignment of Security Interest effective as of September 21, 1989 and recorded with the Assignments branch of the PTO on May 10, 1990, at Reel 712, Frame 816;

Assignment of Security Interest effective as of September 21, 1989 and recorded with the Assignments branch of the PTO on May 10, 1990, at Reel 713, Frame 796; and

Assignment of Security Interest effective as of February 28, 1997 and recorded with the Assignments branch of the PTO on March 14, 1997, at Reel 1566, Frame 949 (collectively, the "Security Interests"); and

WHEREAS, Performance Contracting, Inc. has satisfied all obligations relating to the Security Agreements referenced in the Security Interests; and

WHEREAS, the parties desire to confirm the release of the Security Interests.

NOW THEREFORE, in consideration of the foregoing recitals (which are incorporated into and made a part of this Release), the covenants set forth below and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Release of Security Interests. Wachovia hereby releases, terminates and extinguishes the Security Interests in and to the trademarks and trademark registrations set forth in Exhibit A hereto (the "Trademarks"), as originally recorded and any and all other security interests or claims relating to Performance Contracting, Inc.

2. Further Assurances. Wachovia agrees to take such further reasonable action as may be requested by Performance Contracting, Inc. to confirm the release of the Security Interests and to acknowledge Performance Contracting, Inc.'s ownership of all right, title and

interest in and to the Trademarks free and clear of all rights, interests and claims of any kind of Wachovia.

IN WITNESS WHEREOF, the undersigned have executed this Release as of the 16, day of June, 2003

WACHOVIA BANK, N.A.

By: [Signature]

Name: JORGE A. GONZALEZ

Title: Managing Director

PERFORMANCE CONTRACTING, INC.

By: [Signature]

Name: Charles F. Williams

Title: Secretary

STATE OF North Carolina

COUNTY OF Mecklenburg

The foregoing instrument was acknowledged before me this 16th day of June, 2003, by Jorge A. Gonzalez, as Managing Director of WACHOVIA BANK, N.A., a North Carolina corporation, on behalf of WACHOVIA BANK, N.A.

[Signature]
Notary Public

[Notary Seal]

My Commission Expires: October 22, 2005

STATE OF Kansas

COUNTY OF Johnson

The foregoing instrument was acknowledged before me this 17th day of June 2003, by Charles F. Williams, as Secretary of Performance Contracting, Inc., a Kansas corporation, on behalf of Performance Contracting, Inc.

[Signature]
Notary Public

My Commission Expires: 12/23/06

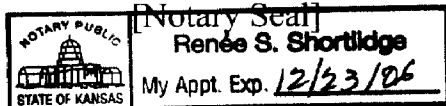


EXHIBIT A

Trademarks

<u>Mark</u>	<u>Registration No.</u>	<u>Registration Date</u>
Nukon	1,299,504	October 9, 1984
Proformance	1,967,852	April 16, 1996
Barrier Cube Logo	1,969,401	April 23, 1996